

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION**

ALEX JAIMES, §
§
Plaintiff, §
§
v. § No.
§
FINANCIAL RECOVERY SERVICES, INC, §
§
Defendant. §

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

ALEX JAIMES (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against FINANCIAL RECOVERY SERVICES, INC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.
6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

7. Plaintiff is a natural person residing in Dallas, Dallas County, Texas.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a national debt collection company and conducts business in Edina, Hennepin County, Minnesota.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt (See Plaintiff's call-log attached as Exhibit A).
12. Defendant calls Plaintiff from 1-866-438-2805 (See photos of Plaintiff's caller ID attached as Exhibit B).
13. Defendant calls Plaintiff and hangs up without leaving voicemail messages.
14. Defendant calls Plaintiff and fails to disclose that the call is from Financial Recovery Services, Inc.
15. Defendant calls Plaintiff and fails to disclose that the call is from a debt collector.

COUNT I **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

16. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress and/or abuse the Plaintiff because Defendant constantly and continuously places collection calls to Plaintiff and fails to

leave voicemail messages.

- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff..
- c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant calls Plaintiff and hangs up without leaving voicemail messages.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt when Defendant called and hung up without leaving voicemail messages.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector because Defendant calls and hangs up without leaving voicemail messages.

WHEREFORE, Plaintiff, ALEX JAIMES, respectfully requests judgment be entered against Defendant, FINANCIAL RECOVERY SERVICES, INC, for the following:

17. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
19. Actual damages,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
[] Peter Cozmyk, Esq.
Attorneys for Plaintiff
Krohn & Moss, Ltd.
3 Summit Park Drive, Suite 140
Independence, Ohio, 44131

Mailing Address:
Krohn & Moss, Ltd

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ALEX JAIMES, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, ALEX JAIMES, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ALEX JAIMES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

12/22/09
Date

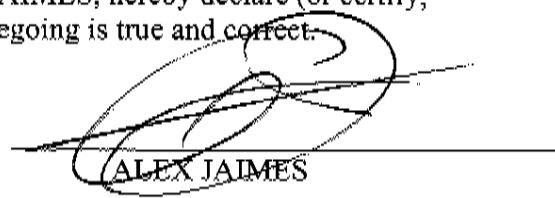

ALEX JAIMES

EXHIBIT A

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Call Detail											972-322-7611					
User Name: ALEX JAAMES																
Rate Code: ESM1=Unlimited Expd M2M, RM70=Rollover FM 700, UNW9=Unlimited N&W																
Rate Period (PD): DT=Daytime, NW=Nwknd																
Feature: M2MC=Expanded Mobile To Mobile, VM=VoiceMail, CW=Call Waiting																
Item	Day	Date	Time	Number Called	Call To	Min	Rate Code	Rate Pd	Feature	Airtime Charge	LD/DA	Total Charge				
334	TUE	12/01/2009	6:56PM	800-432-1000	Toll Free CL	14	RM70	DT		0.00	0.00	0.00				
335	TUE	12/01/2009	9:55PM	214-709-4638	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
336	TUE	12/01/2009	9:56PM	214-709-4638	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
337	WED	12/02/2009	7:25AM	469-549-3322	LEWISVILLE TX	2	RM70	DT		0.00	0.00	0.00				
338	WED	12/02/2009	8:01AM	214-709-4638	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
339	WED	12/02/2009	8:04AM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
340	WED	12/02/2009	8:16AM	214-682-8962	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
341	WED	12/02/2009	8:32AM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
342	WED	12/02/2009	9:49AM	866-506-7894	Toll Free CL	6	RM70	DT		0.00	0.00	0.00				
343	WED	12/02/2009	10:18AM	800-405-4866	INCOMING CL	1	RM70	DT		0.00	0.00	0.00				
344	WED	12/02/2009	1:37PM	972-322-7469	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
345	WED	12/02/2009	3:12PM	214-793-6957	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
346	WED	12/02/2009	4:17PM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
347	WED	12/02/2009	5:35PM	214-709-4638	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
348	WED	12/02/2009	6:24PM	214-315-9682	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
349	THU	12/03/2009	1:02AM	214-680-4878	INCOMING CL	2	ESM1	NW	M2MC	0.00	0.00	0.00				
350	THU	12/03/2009	8:01AM	214-709-4638	GRAND PRA TX	2	ESM1	DT	M2MC	0.00	0.00	0.00				
351	THU	12/03/2009	1:04PM	214-208-3652	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
352	THU	12/03/2009	3:42PM	972-322-7611	VMAIL CL	1	RM70	DT	VM	0.00	0.00	0.00				
353	THU	12/03/2009	4:47PM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
354	THU	12/03/2009	5:18PM	214-208-3652	INCOMING CL	18	ESM1	DT	M2MC	0.00	0.00	0.00				
355	THU	12/03/2009	6:20PM	214-682-8962	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
356	THU	12/03/2009	9:33PM	214-709-4638	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
357	FRI	12/04/2009	8:04AM	214-709-4638	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
358	FRI	12/04/2009	8:05AM	214-709-4638	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
359	FRI	12/04/2009	8:05AM	214-709-4638	CALL WAIT	1	ESM1	DT	M2MC	0.00	0.00	0.00				
360	FRI	12/04/2009	11:47AM	214-793-6957	INCOMING CL	4	ESM1	DT	M2MC	0.00	0.00	0.00				
361	FRI	12/04/2009	11:50AM	214-315-9682	CALL WAIT	2	ESM1	DT	M2MC	0.00	0.00	0.00				
362	FRI	12/04/2009	12:40PM	214-793-6957	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
363	FRI	12/04/2009	12:43PM	214-315-9682	GRAND PRA TX	2	ESM1	DT	M2MC	0.00	0.00	0.00				
364	FRI	12/04/2009	4:42PM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
365	FRI	12/04/2009	5:29PM	469-426-5762	IRVING TX	4	ESM1	DT	M2MC	0.00	0.00	0.00				
366	FRI	12/04/2009	5:58PM	817-235-8188	INCOMING CL	14	ESM1	DT	M2MC	0.00	0.00	0.00				
367	FRI	12/04/2009	6:15PM	214-682-8962	INCOMING CL	3	ESM1	DT	M2MC	0.00	0.00	0.00				
368	FRI	12/04/2009	6:37PM	972-322-7469	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
369	SAT	12/05/2009	11:09AM	972-322-7469	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
370	SAT	12/05/2009	11:38AM	800-955-7070	Toll Free CL	1	UNW9	NW		0.00	0.00	0.00				
371	SAT	12/05/2009	11:40AM	800-955-7070	Toll Free CL	9	UNW9	NW		0.00	0.00	0.00				
372	SAT	12/05/2009	11:52AM	866-438-2805	Toll Free CL	1	UNW9	NW		0.00	0.00	0.00				
373	SAT	12/05/2009	1:43PM	214-682-8962	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
374	SAT	12/05/2009	1:45PM	972-322-7469	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
375	SUN	12/06/2009	10:36AM	972-822-3491	INCOMING CL	17	ESM1	NW	M2MC	0.00	0.00	0.00				
376	SUN	12/06/2009	12:54PM	214-315-9682	INCOMING CL	4	ESM1	NW	M2MC	0.00	0.00	0.00				
377	SUN	12/06/2009	1:16PM	972-322-7469	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
378	SUN	12/06/2009	1:37PM	214-680-4878	INCOMING CL	2	ESM1	NW	M2MC	0.00	0.00	0.00				
379	SUN	12/06/2009	1:47PM	214-315-9682	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
380	SUN	12/06/2009	1:54PM	214-315-9682	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
381	SUN	12/06/2009	1:55PM	214-680-4878	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
382	SUN	12/06/2009	2:18PM	214-680-4878	GRAND PRA TX	12	ESM1	NW	M2MC	0.00	0.00	0.00				
383	SUN	12/06/2009	2:31PM	214-315-9682	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
384	SUN	12/06/2009	3:03PM	972-322-7469	INCOMING CL	1	ESM1	NW	M2MC	0.00	0.00	0.00				
385	SUN	12/06/2009	3:09PM	972-322-7469	GRAND PRA TX	1	ESM1	NW	M2MC	0.00	0.00	0.00				
386	SUN	12/06/2009	9:27PM	214-315-9682	INCOMING CL	3	ESM1	NW	M2MC	0.00	0.00	0.00				
387	MON	12/07/2009	2:20PM	214-315-9682	INCOMING CL	4	ESM1	DT	M2MC	0.00	0.00	0.00				
388	MON	12/07/2009	2:24PM	214-315-9682	INCOMING CL	2	ESM1	DT	M2MC	0.00	0.00	0.00				
389	MON	12/07/2009	5:23PM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
390	MON	12/07/2009	7:23PM	214-709-4638	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
391	MON	12/07/2009	7:33PM	214-709-4638	INCOMING CL	1	ESM1	DT	M2MC	0.00	0.00	0.00				
392	MON	12/07/2009	8:38PM	972-322-7469	INCOMING CL	2	ESM1	DT	M2MC	0.00	0.00	0.00				
393	MON	12/07/2009	8:43PM	972-322-7469	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				
394	MON	12/07/2009	8:48PM	972-322-7469	GRAND PRA TX	1	ESM1	DT	M2MC	0.00	0.00	0.00				

Call

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12/11 12:43 PM	LOSANGELES	323-988-2400	DT	11
12/11 12:42 PM	VMAIL	972-322-7611	DT	VM 1
12/11 12:41 PM	DALLAS	972-498-6429	DT	2
12/11 08:34 AM	GRAND PRAR	214-709-4638	DT	M2MCNG 1
12/11 07:59 AM	GRAND PRAR	214-709-4638	DT	M2MCNG 2
12/11 07:43 AM	GRAND PRAR	214-793-6957	DT	M2MCNG 1
12/11 06:20 AM	Toll Free	800-462-2700	DT	1
12/10 11:16 PM	VMAIL	972-322-7611	NW	VM 1
12/10 09:21 PM	INCOMING	214-709-4638	NW	M2MCNG 1
12/10 06:09 PM	GRAND PRAR	214-682-8962	DT	M2MCNG 2
12/10 06:04 PM	GRAND PRAR	214-793-6957	DT	M2MCNG 1
12/10 05:52 PM	GRAND PRAR	214-680-4878	DT	M2MCNG 10
12/10 05:43 PM	INCOMING	214-709-4638	DT	M2MCNG 2
12/10 04:34 PM	DALLAS	972-498-6429	DT	4
12/10 04:33 PM	DALLAS	972-498-6429	DT	1
12/10 04:29 PM	DALLAS	972-498-6429	DT	3
12/10 04:26 PM	VMAIL	972-322-7611	DT	VM 1
12/10 02:19 PM	INCOMING	214-315-9682	DT	M2MCNG 1
12/10 07:59 AM	GRAND PRAR	214-709-4638	DT	M2MCNG 1
12/09 10:02 PM	GRAND PRAR	214-793-6957	NW	M2MCNG 1
12/09 09:44 PM	INCOMING	214-709-4638	NW	M2MCNG 3
12/09 08:44 PM	INCOMING	214-709-4638	DT	M2MCNG 2
12/09 06:09 PM	Toll Free	866-438-2805	DT	1
12/09 04:31 PM	VMAIL	972-322-7611	DT	VM 1
12/09 04:30 PM	INCOMING	214-709-4638	DT	M2MCNG 1
12/09 02:52 PM	VMAIL	972-322-7611	DT	VM 1
12/09 01:39 PM	ARLINGTON	817-235-8188	DT	M2MCNG 1
12/09 12:50 PM	ARLINGTON	817-235-8188	DT	M2MCNG 3
12/09 12:39 PM	INCOMING	817-235-8188	DT	M2MCNG 3
12/09 12:38 PM	ARLINGTON	817-235-8188	DT	M2MCNG 1
12/09 12:15 PM	INCOMING	817-235-8188	DT	M2MCNG 6
12/09 12:09 PM	INCOMING	817-235-8188	DT	M2MCNG 1
Total this page				203
TOTAL				712
				1 2 3 4 5
Important: There are delays in reporting and processing call records. It may take up to two to				

AT&T

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12/11 04:56 PM	CALL WAIT	214-709-4638	DT	M2MCNG	1
12/11 04:40 PM	INCOMING	469-426-5762	DT	M2MCNG	17
12/11 04:40 PM	IRVING	469-426-5762	DT	M2MCNG	1
12/11 04:19 PM	GRAND PRAR	214-709-4638	DT	M2MCNG	2
12/11 04:19 PM	GRAND PRAR	214-793-6957	DT	M2MCNG	1
12/11 04:18 PM	GRAND PRAR	214-709-4638	DT	M2MCNG	1
12/11 02:38 PM	INCOMING	214-793-6957	DT	M2MCNG	3
12/11 01:13 PM	VMAIL	972-322-7611	DT	VM	1
12/11 12:43 PM	LOSANGELES	323-988-2400	DT		11
12/11 12:42 PM	VMAIL	972-322-7611	DT	VM	1
12/11 12:41 PM	DALLAS	972-498-6429	DT		2
12/11 08:34 AM	GRAND PRAR	214-709-4638	DT	M2MCNG	1
12/11 07:59 AM	GRAND PRAR	214-709-4638	DT	M2MCNG	2
12/11 07:43 AM	GRAND PRAR	214-793-6957	DT	M2MCNG	1
12/11 06:20 AM	Toll Free	800-462-2700	DT		1
12/10 11:16 PM	VMAIL	972-322-7611	NW	VM	1
12/10 09:21 PM	INCOMING	214-709-4638	NW	M2MCNG	1
12/10 06:09 PM	GRAND PRAR	214-682-8962	DT	M2MCNG	2
12/10 06:04 PM	GRAND PRAR	214-793-6957	DT	M2MCNG	1
12/10 05:52 PM	GRAND PRAR	214-680-4878	DT	M2MCNG	10
12/10 05:43 PM	INCOMING	214-709-4638	DT	M2MCNG	2
12/10 04:34 PM	DALLAS	972-498-6429	DT		4
12/10 04:33 PM	DALLAS	972-498-6429	DT		1
12/10 04:33 PM	DALLAS	972-498-6429	DT		1
12/10 04:29 PM	DALLAS	972-498-6429	DT		3
12/10 04:26 PM	VMAIL	972-322-7611	DT	VM	1
12/10 02:19 PM	INCOMING	214-315-9682	DT	M2MCNG	1
12/10 07:59 AM	GRAND PRAR	214-709-4638	DT	M2MCNG	1
12/09 10:02 PM	GRAND PRAR	214-793-6957	NW	M2MCNG	1
12/09 09:44 PM	INCOMING	214-709-4638	NW	M2MCNG	3
12/09 08:44 PM	INCOMING	214-709-4638	DT	M2MCNG	2
12/09 06:09 PM	Toll Free	866-438-2805	DT		1
12/09 04:31 PM	VMAIL	972-322-7611	DT	VM	1
Total this page					194
TOTAL					1066
					Previous Five 67
Important: There are delays in reporting and processing call records. It may take up to two to					

EXHIBIT B

united

